



COMMONWEALTH OF PENNSYLVANIA

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November 18, 2022

Via Email (Magistrate Judge Carlson@pamd.uscourts.gov)

Magistrate Judge Martin C. Carlson
U.S. District Court, Middle District of PA
228 Walnut Street
Harrisburg, PA 17108

Re: Jennings, et al. v. Wolf, et al., No. 3:20-cv-00148-MCC

Dear Judge Carlson:

We hope this finds Your Honor well. Under separate cover on this date, Plaintiffs' counsel, Mr. York, will be submitting the parties' joint proposal for the identification and notification of potential class members in accordance with the Court's Order of November 2, 2022 (Doc. 161).

With reference to the "Second" paragraph of Your Honor's Order, I am attaching the Commonwealth's Revised State Center Closure Transition Plan. This document, which contains revised projected transfer completion dates for Polk and White Haven State Center residents as a whole, has been shared with Mr. York (although it is not being submitted jointly).

With regard to individual residents of Polk and White Haven, defendant Pennsylvania Department of Human Services also has prepared a confidential Transition Plan identifying timelines for all remaining residents' proposed transitions (hereafter the "Spreadsheet"). Defendants respectfully request the opportunity to provide the Spreadsheet to the Court on an *in camera* basis only, which we would be pleased to do (with Your Honor's permission) as early as today.

Finally, Defendants respectfully request one clarification regarding an earlier Order of Court: specifically, on September 27, 2022, Your Honor ordered that Joseph Nowacki "not be removed or transferred from Polk Center pending further order by the Court." (Doc. 140, at 3.) Thus, our question today concerns whether Doc. 161 constitutes such a "further order," allowing

Mr. Nowacki to be transferred to the State Center previously agreed upon, or whether the Sept. 27th order requires vacatur. We look forward to Your Honor's guidance on this issue, as move dates for residents who had previously completed the transition process are scheduled to begin as early as November 28th.

We appreciate the Court's consideration of the above requests and would be pleased to confer by telephone today or early next week.

Respectfully submitted,



Matthew Skolnik
Deputy Attorney General

Enclosure

cc: Thomas B. York, Esq.
Nicole R. DiTomo, Esq.



November 17, 2022

State Center Closure Transition Plan

Timeline

	Action	Completion Date
1.	Submit Transition Plan to Judge	11/18/2022
If transition plan is approved:		
2.	Notify all SDMs/Guardians and employees of the transition plan and that we will begin the transition planning process.	11/29/22
3.	Reestablish move dates for people with postponed transitions and ensure their transition activities are complete.	11/29/22
3a.	Continue transition activities that are currently in process.	11/29/22
4.	Contact all SDMs/ Guardians who have not indicated a decision or preference for a future living arrangement.	12/16/22
4a.	Initiate transition planning process to the desired location.	Immediately upon a determination of preference
5.	Bureau of State Operated Facilities (BSOF) to meet with Polk and White Haven staff to determine which center the people whose SDM/Guardian hasn't made a decision will transition to.	12/23/22
5a.	Initiate Transition activities to selected State Center.	1/3/23
6.	BSOF meet to determine back up plan of moves to another center for people who have selected community but don't have a provider	12/30/22
7.	Initiate Transition activities to selected State Center as a temporary transfer until the preferred location can be identified	1/6/23
8.	Completion of transfers from White Haven.	Week of 1/23/23
9.	Completion of transfers from Polk.	Week of 3/6/23

Typical Planning Duration for Transitions

- A typical State Center to State Center transition takes 3-4 weeks. *
- A transition to a community setting or Private ICF in which the home, staff, etc. are in place typically takes 60-90 days. *
- For anyone who has indicated interest in a community or private ICF placement but does not have a provider identified, we will plan for transition to a state center as a backup, if needed.

**- the duration for transition may increase due to the specific needs of a person, supports, etc. that may be needed to assure a safe discharge*

Submitted by the Office of Developmental Programs, Pennsylvania Department of Human Services